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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,772	01/16/2001	Daniel S. Bricklin	85151.911CPAC	8917

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EXAMINER

FEILD, JOSEPH H

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 12/03/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

HG

Office Action Summary

Application No.
09/764,772

Applicant(s)

BRICKLIN ET AL

Examiner

Joseph H. Feild

Art Unit

2176



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 16, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-69 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

Art Unit: 2176

1. This communication is responsive to preliminary Amendment A, filed 1/16/01.
2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 2-21, 34-39, and 52-57, drawn to generating “caricatures” and “graphical element representing a set of data”, defined at page 9 of the specification, classified in class 345, subclass 839, User Interface: Icon, Imitating Real Life Object.
 - II. Claims 22-32, drawn to displayable graphical element types corresponding to a selected display mode, classified in class 345, subclass 764, User Interface: On-screen workspace or object.
 - III. Claims 1, 33, 51, and 69, drawn to “freely movable graphical elements” and “freely movable user configurable text labels”, classified in class 345, subclass 744, User Interface: Interface customization or edition.
 - IV. Claims 40-42 and 58-60, drawn to creating hypermedia links and link activation areas, classified in class 707, subclass 501.1, Document Processing: Hypermedia.
 - V. Claims 43-50 and 61-68, drawn to displaying graphical elements and highlighting specific graphical elements, classified in class 707, subclass 530, Document Processing: Edit, composition, or storage control.
3. The inventions are distinct, each from the other because of the following reasons:

Inventions I-V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately

Art Unit: 2176

usable. In the instant case, invention I has separate utility such as generating icons that have an appearance that reminds the user of the data or application that they represent. Invention II has separate utility such as selecting a display mode to determine what type of user interface elements are available on the user interface. Invention III has separate utility such as general user interface customization, including repositioning elements for suiting an individual's personal preference. Invention IV has separate utility such as generating hot spots and creating hyperlinks. Invention V has separate utility such as displaying results of searching for data. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Art Unit: 2176

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Feild whose telephone number is (703) 305-9792. The examiner can normally be reached on Monday, Tuesday, and Friday from 8:30 a.m. to 5:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. However, in such a case, please allow at least one business day.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238

(After Final Communication)

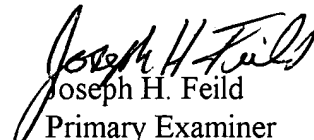
(703) 746-7239

(Official Communication)

(703) 746-7240

(For Status Inquiries, draft communication)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Joseph H. Feild
Primary Examiner
Art Unit 2176

29 November 2001